

Remarks

The Office Action of 5/31/05 acknowledged that Applicant's Amendment and Response filed on May 20, 2005, had been considered and is sufficient to overcome the 35 USC 102(b) rejection contained in the 11/01/04 Office Action. In that same Amendment, Applicant's agent amended the claims to comport with her understanding of the restriction requirement as revised by the Examiner during a phone interview that was conducted on May 19, 2005. That is, for the Group defined by the Examiner (i.e. formerly Group VIII), R1, R2, and R4 have their original meanings and R3 has been limited to $(CH_2)_n$ Q, $CH_2CH(OH)Q$, $CH(CH_3)Q$, 1,2,3,4-tetrahydronaphthyl, indanyl, or adamantyl, wherein

Q is thienyl or furanyl, and

Q is optionally substituted with one or two moieties independently selected from halo,

C_{1-6} alkyl, C_{1-6} alkoxy, hydroxy, $S(O)_2NH_2$, trifluoromethyl, or cyano, and

n is 1 or 2.

The Examiner has agreed to rejoin process claims 137-139 since these claims are now commensurate in scope with allowable composition claims.

The Examiner objected to Claims 4-120 for containing non-elected subject matter. The Examiner specifically stated that claims 16, 26, 33, 4, 5 and 8 should be amended to exclude non-elected subject matter. However, these claims were designated as "withdrawn" in the 5/31/05 Amendment pursuant to Applicant's understanding of the restriction requirement. If Examiner is requesting Applicant's permission to cancel the non-elected claims, Applicant herein provides that authorization. However, Applicant expressly reserve the right to file divisional applications directed to this non-elected subject matter.

Applicant has amended Claim 16 herein to exclude non-elected subject matter. Applicant had mistakenly designated this claim as "withdrawn". Claims 17, 18, 19, 20 and 21 depend from Claim 16 therefore, in Applicant's amendment of May 20, 2005, Claim 16 should have been designated as pending rather than "withdrawn".

Also, Claims 3, 6 and 11 were mistakenly designated as "withdrawn" in the Amendment of May 20, 2005. These compound claims depend from allowable Claim 2 and are within the scope of the elected subject matter. They are designated in the Amendment attached herewith as "original".

According to Applicant's understanding of the Group defined by the Examiner in the phone interview that was conducted on May 19, 2005, Claims 1-2, 3, 6, 11, 16-21, 88-95, 113-114, 119-120, 124-125 and 137-139 should be pending. If Applicant's agent is mistaken in her understanding of the Group as defined by the Examiner, Applicant would appreciate further clarification.

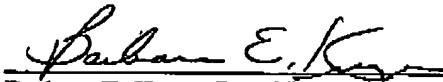
Finally, the Examiner noted that page 13 (between claim 137 and 138) was left blank. According to Applicant's copy of the May 20, 2005, paper that was filed, the page was not entirely blank. The page contained two lines of text and a "page break" had been erroneously inserted after this text. Applicant has corrected the error by removing the "page break".

Applicant is also submitting a Supplemental Information Disclosure Statement with this paper.

Conclusion

In view of the above, Applicant believes the application is now in condition for allowance.

Respectfully submitted,


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